

04.08.2021

Court No.28
Item No.19
(ALLOWED)

Ab

CRM 3017 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 25.03.2021 in connection with Purulia Town Police Station Case No. 138 of 2020 dated 26.11.2020 under Sections 302/201 of the Indian Penal Code.

And

In the matter of : **Amrit Mandal.**

...Petitioner

**Mr. Saugata Mitra,
Mr. Pawan Kumar Gupta,
Mr. Santanu Seth,
Mr. Rameswar Sinha,
Ms. Anhita Dey.**

...For the Petitioner

**Mr. Swapan Banerjee,
Ms. Purnima Ghosh.**

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Purulia Town Police Station Case No. 138 of 2020 under Sections 302/201 of the Indian Penal Code.

The State vehemently opposes the prayer for bail simplicitor on the ground that offending weapon was recovered on the leading statement of the petitioner, which appears to be a nylon rope.

Our attention is sought to be drawn to the statement of the petitioner recorded under Section 161 of the Code of Criminal Procedure where an admission to the commission of offence has been made that the said rope was recovered. We have further

perused the Post Mortem Report. The report does not suggest at least prima facie the death by strangulation.

Though Mr. Swapan Banerjee, learned Advocate for the State, is very much vocal in his submission that a motorcycle and mobile of the victim was recovered but there is no eye-witness and, therefore, the case is based on circumstantial evidence.

Considering the longevity of the detention of the petitioner and the fact that the charges have either recently been framed or not yet been framed, further detention of the petitioner is unwarranted. The prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purulia, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 3017 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)

